

1                   **BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**  
2                   **IN MEDICINE AND SURGERY**

3 IN THE MATTER OF:

) Case No.: N/A  
)

4 **MICHAEL J. STANEK, D.O.**

) **STIPULATION FOR ISSUANCE OF**  
) **LICENSE AND PROBATIONARY**  
) **ORDER**  
)  
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)

5 Applicant for a license to Practice osteopathic  
6 medicine in the State of Arizona.  
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8

9           On November 7, 2006, Michael J. Stanek, D.O. (hereinafter "Respondent") filed an  
10 application for licensure with the AZ Board of Osteopathic Examiners (hereinafter "Board").

11           On January 20, 2007, the Respondent appeared before the Board as requested by board  
12 staff for a review of his license application and his licensure history.

13           The Board reviewed Respondent's application for license, including the Respondent's  
14 licensure history, and all other relevant issues concerning his qualifications to obtain a Board  
15 license, and took testimony from the Respondent. The Board authorized preparation of an order  
16 granting Respondent a license to practice as an osteopathic physician in the State of Arizona with  
17 the following the following terms of Probation.

18                                   **STIPULATION**

19           By mutual agreement and understanding, the Arizona Board of Osteopathic Examiners  
20 (hereafter "Board") and Michael J. Stanek, D.O. (hereinafter "Respondent"), the parties hereto  
21 agree to the following disposition to this matter.

22           1.     Respondent acknowledges that he has read this Stipulation for Issuance of a  
23 License and Order of Probation and, Respondent is aware of and understands the contents of this  
24 document.

25           2.     Respondent understands that by entering into this Stipulation for Issuance of a

1 License and Order of Probation, he voluntarily relinquishes any rights to a hearing on the matters  
2 alleged as grounds for Board action or to seek judicial review of the consent order in state or  
3 federal court.

4 3. Respondent understands that this Stipulation for Issuance of a License and Order  
5 of Probation will not become effective unless approved by the Board and signed by its Executive  
6 Director.

7 4. Respondent further understands that this Stipulation for Issuance of a License and  
8 Order of Probation, once approved and signed, shall constitute a public records which will be  
9 disseminated as a formal action of the Board as required by A.R.S. §§ 32-1855 (L) and (K).

10 5. Respondent admits to the statement of facts and conclusions of law contained in  
11 the Stipulation for Issuance of a License and Order of Probation.

12 6. All admissions made by Respondent are solely for final disposition of this matter  
13 and any subsequent administrative proceedings or litigation involving the Board, Respondent and  
14 the State of Arizona; and, therefore, said admissions by Respondent are not intended for any  
15 other purpose or administrative regulatory proceeding or litigation in another state or federal  
16 court.

17 7. Respondent acknowledges and agrees that upon signing and returning this  
18 document (or a copy thereof) to the Board's Executive Director, he may not later revoke or  
19 amend this Stipulation for Issuance of a License and Order of Probation, without first obtaining  
20 Board approval.

21 8. Respondent further acknowledges and agrees that this Stipulation for Issuance of  
22 a License and Order of Probation is an adverse action that will be reported to the appropriate and  
23 mandated entities.

1 REVIEWED AND ACCEPTED THIS \_\_\_\_ DAY OF FEBRUARY, 2007.

2  
3  
4 Michael J. Stanek, D.O.

5 **FINDINGS OF FACT**

6 1. The Board of Osteopathic Examiners of the State of Arizona ("Board") is the duly  
7 constituted authority for the regulation and control of the practice of osteopathic medicine in the  
8 State of Arizona.

9 2. Pursuant to Arizona Revised Statutes § 32-1800, et seq., the Board possesses  
10 jurisdiction over the subject matter hereof and over the application for license submitted by  
11 Respondent

12 3. The Board has the authority to enter a final order and to enter into an agreement  
13 for the disposition of this matter pursuant to A.R.S. § 32-1822(D).

14 4. On his license application, Respondent answered "yes" to question #1, which  
15 states, "Have you been diagnosed with or developed initial or worsening symptoms of a physical,  
16 mental, or emotional condition which did or may impair or limit your ability to safely practice  
17 medicine?"

18 5. On his license application, Respondent answered "yes" to question #3, which  
19 states, "Have you had any disciplinary or adverse action imposed against any professional  
20 license, or were you denied a professional license, or have you entered into any consent  
21 agreement, stipulated order, or settlement with any regulatory board; OR have you been notified  
22 of any complaints or investigations against your license that have yet to be resolved?"

23 6. According to these disclosures, Respondent provided information to the Board  
24 indicating that he was currently under the care of medical professionals to address continued and  
25 monitored aftercare issues.

1           7.     After review and consideration of the application, the Board voted to offer the  
2 Applicant a license with a (2) year probationary period.

3                                   **CONCLUSIONS OF LAW**

4           1.     The conduct described in Findings of Fact 1 through 7 above constitutes  
5 unprofessional conduct as defined in A.R.S. 32-1854 (18), which states in pertinent part,  
6 “disciplinary action against a license in any other state, territory, district or county.”

7                                   **ORDER**

8           **NOW, THEREFORE, IT IS ORDERED AS FOLLOWS:**

9           1.     Respondent’s license to practice osteopathic medicine shall be placed on  
10 PROBATION for a period of TWO YEARS with the following terms:

11           A.     that the effective date of the probationary period shall be the first business day  
12 after Applicant’s license is issued by the Board.

13           B.     that the Respondent shall send to the Board a quarterly progress report while he is  
14 on probation, detailing his status of employment, status of practice, continuing medical  
15 education programs completed, and any and all address changes within 10 days.

16           C.     that the Respondent will develop a plan for aftercare treatment and monitoring  
17 which shall include, but may not be limited to, individual and/or group counseling  
18 sessions, random body fluid testing, agreement for release of treatment records and  
19 reports to the Board, prohibition of the use of controlled substances unless the latter is  
20 prescribed or coordinated by his treating physician, and regular meeting with the Board,  
21 and submit this plan to the Board for its approval.

22           D.     From the date of this Order, Respondent shall obtain psychiatric or psychological  
23 treatment by a therapist(s) who is either a licensed psychiatrist and/or psychologist and is  
24 selected by Respondent and approved by the Board. Respondent shall comply with the  
25 therapist recommendation for the frequency of therapy treatment sessions. Respondent

1 shall inform the Board by letter (mailed within twenty (20) days of the date of this order)  
2 of the therapist's name; and, Respondent shall undertake and fully cooperate with a  
3 program of treatment established by the therapist. In the event Respondent changes  
4 therapists, he shall give the Board written notice within ten (10) days of said action.  
5 Respondent shall not discontinue or reduce the frequency of psychotherapy sessions until  
6 he has submitted a written request to the Board and obtained Board approval.

7 E. Respondent's therapist(s) shall receive a copy of this Order and Board staff shall  
8 cooperate with and disclose all relevant information in the Board's files concerning  
9 Respondent. The treating therapist shall be directed by Respondent to send to the Board  
10 a detailed written progress report every month for the remainder of the probation; and  
11 Respondent, shall waive any confidentiality concerning his psychotherapy in order that  
12 the Board may receive full disclosure of information. The expense of the aforementioned  
13 therapy and the reports to the Board by Respondent's therapist shall be the sole  
14 responsibility of the Respondent.

15 F. Respondent shall provide a copy of this Order and any subsequent Orders to all  
16 facilities where Respondent is currently (or subsequently) employed as a physician and/or  
17 has (or subsequently receives) privileges to engage in the practice of medicine.  
18 Respondent shall provide a copy of this Order to all treating physicians, dentists and other  
19 health care professionals. Respondent shall continue to make the aforementioned  
20 disclosure and provide copies of this Consent Order until the expiration of this Order.

21 G. Respondent may have his license to practice as an osteopathic physician  
22 restricted, suspended or revoked by the Board in the future if:

23 (A) The Board finds that Respondent does not have the requisite mental,  
24 physical and emotional fitness to safely continue the practice of medicine; or,  
25

1 (B) There are new grounds for finding unprofessional conduct concerning  
2 Respondent; or,

3 (C) Fails to comply fully with the terms and conditions of this Order.

4 H. Respondent shall not consume illicit drugs or take any controlled substances (i.e.,  
5 prescription only drugs), unless his treating physician prescribes such medication for him  
6 with the awareness that Respondent has a substance abuse disorder. Respondent shall  
7 maintain a monthly log (for the duration of probation) of all prescription only drugs taken  
8 by him and such log shall include the following information:

9 (a) the name of the medication;

10 (b) name of prescribing physician;

11 (c) reason for the medication.

12 At the first of each month, Respondent shall report by letter to the Board whether or not  
13 he is taking any prescription only medication and, if so, a copy of his log reflecting the  
14 above information.

15 I. Respondent shall also, as part of his probation: (A) submit to and cooperate in  
16 any independent medical or psychological evaluation that is ordered by the Board for  
17 Respondent and conducted by the Board's designated physician and/or psychologist  
18 which shall be paid for by Respondent; and (B) appear before the Board, upon receipt of  
19 a request by written or telephonic notification from the Board's executive director which  
20 shall be given at least five (5) days prior to the Board meeting; and, (C) submit to random  
21 biological fluid testing and promptly provide (within a reasonable time period specified  
22 by the Board) required biological fluids for testing and said testing shall be done at the  
23 Respondent's expense.

24 J. In the event Respondent moves and ceases to practice medicine in Arizona, he  
25 shall give written notice to the Board of his new residence address within twenty (20)

1 days of moving; and, the terms and duration of probation may be stayed by the Board  
2 until Respondent returns to practice medicine in Arizona.

3 K. Respondent shall reimburse the Board for all expenses associated with the  
4 continued monitoring of this matter.

5 L. Respondent shall continue to meet all licensing requirements such as continuing  
6 medical education and renewal requirements including applicable fees pursuant to A.R.S.  
7 § 32-1825.

8 M. Respondent's failure to comply with the requirements of this Order may constitute  
9 unprofessional conduct as defined at A.R.S. § 32-1854(26), as amended, and may be  
10 considered as grounds for further disciplinary action (e.g., suspension or revocation of  
11 license) in the event that Respondent fails to comply with any of the requirements of this  
12 Order.

13 ISSUED THIS 15 DAY OF FEBRUARY, 2007.



STATE OF ARIZONA  
BOARD OF OSTEOPATHIC EXAMINERS IN  
MEDICINE AND SURGERY

18 By: \_\_\_\_\_

19 Jack Confer, Executive Director

20  
21 Original "Order for Issuance of License  
22 And Non-Disciplinary Probation" filed  
23 this 15 day of January, 2007 with the:

24 FEBRUARY  
25 Arizona Board of Osteopathic Examiners  
In Medicine and Surgery  
9535 East Doubletree Ranch Road  
Scottsdale AZ 85258-5539

1 Copy of the foregoing "Stipulation for  
2 Issuance of a License and Order of Probation"  
3 sent via certified, return receipt  
4 requested this 1<sup>st</sup> day of ~~January~~, 2007 to:

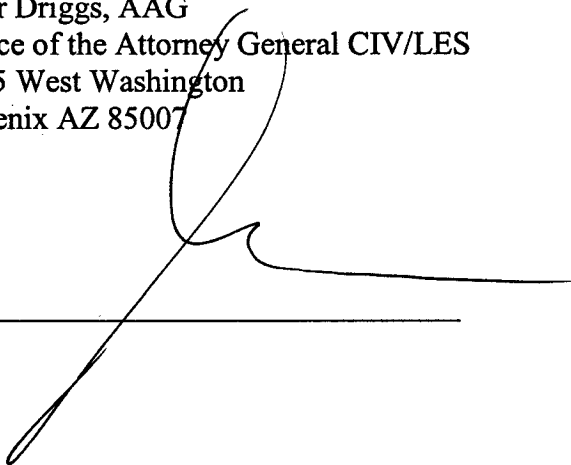
FEBRUARY

4 Michael J. Stanek, D.O.  
5 6276 Twonoteh Court  
6 Dublin, Ohio 43016

6 Copies of the foregoing "Stipulation for  
7 Issuance of a License and Order of Probation"  
8 sent via regular mail this  
9 1<sup>st</sup> day of ~~October~~, 2006 to:

FEBRUARY

9 Blair Driggs, AAG  
10 Office of the Attorney General CIV/LES  
11 1275 West Washington  
12 Phoenix AZ 85007

A large, stylized handwritten signature in dark ink, likely belonging to Blair Driggs, is written over the address and extends across the middle of the page.